JW, MF

Dear Howard, 7/13/72

Stayed up last night to watch nominations and election and, as usual, found it impossible to return to sleep when I awaked close to usual time. Worked on various things, including letter to Bud, and when there was little in the mail, I decided to try and take a nap until lunch. Mind too active. Couldn't sleep. So, I am writing you about something because my mind is not alert to do what other things I could with this short period. I hope to be able to get onto helicopter needs after lunch.

In today's mail was an order for PMI from a total stranger who says hse is a collector. She had written earlier and asked about it. I sent stock reply, she has ordered, and it will go out tomorrow. This is one of the realities of the phoney allegations that I "sit on" things from those who always have them offered and sometimes sent without waiting for response. In Sylvia's case, for example, the only reason I didn't send her the new last part of PM despite our differences is because of the Ned matter and her position. May I add secret position inwhich as you know, despite her contrary posture with me she accepted confidences from Ned she knew to be against my interest and in volation of our contract. There are a fair number of total strangers who have the first two parts, and in no case of which I am aware has there been any breach of conditions. This also includes a number of insttituions, as you can learn.

I was earlier reminded of this in writing Bud. Despite his abominable record on such matters, I loaned him what was then done of PM as I completed each part. He never took the time to read either. But you should see the real literary manure that turned him on, in some cases to where he got copies for me. Utterly worthless stuff. While I appreciate this small kindness of getting me things he things worthwhile, I suggest other and more impirtant things are obvious in this.

This whole things has been pretty wearing for me, too. I have emphasized my understanding of the position in which you are without mention of my own or the disagreeable context of our lives, in part indicated in what I told Bud. I have rushed into answering things, trying to be as complete as I could be, as I thin you know from the volume with whcih I provided you, without having time or taking it to think many things through. I am aware that the offers in this letter to Bud can be taken as ex poste facto and elf-serving. However, they are also without doubt the putting of my money where my mouth is. I think you will recall I did t is with Wecht and the Halleck case, Garrison and PM I, and in the clohting/pix suit. I regularly make stuff public when I think a common and useful purpose is to be served, as at least SM, JP and GRS know in detail, despite their present pretense.

That there has, in fact, been no use is what impels me to maintain the position I do, that with regard to the press. You know from the Belin matter that this is not recent, and it is older by much time. If at any time there is a change, that is not predicatble from the record. And you should know enough about the record to know my offers to the Post and Bradlee. Also, I think, NBC.

If this is not the complete record by a long shot, I am, of course, making a record in your thinking as in my files and limiting it to what those who have done the things I regard as reprehensible know, except for SM on NBC. I am, therefore, making a record of their possible motives and integrity. If it is altered by imperfect recall, I regard it as no less reprehensible because none discussed anything with me in advance. As I now know but didn't from his letter, which doesn't indictae anything of the sort, Gary has distributed his self-serving and inaccurate letter. I not only did not but I told him I hadn't and said I would if he wanted distribute it and/or my response of he could. He seems to have done it with his own only. I regard this as of dubious ethics and integrity.

Now, to get back to the letter to Bud, I'd like your appraisal of the idea and the possibilities. I forgot to make a copy of it for Mary, but I loned her my files copy and asked that she send it back. I'm sending this to her alone among critics. I sent the other to a reporter friend. She will not have time to think and respond now. I do not seek you opinion of the possibilities in the press but a younger mind's opinion of the effectiveness of this narrow focus on a)the appeals court and b) the present Supreme Court. I take a simplistic view, consistent with past positions: this is wirth the possible cost to the book. It can't be counterproductive and can help. Maybe big. But if it can't hurt, I'm for any effort. I think this can t hurt, except in giving away my literary rights. Have you a contrary opinion?

You know the material. Do you think I should broaden it, assuming it would not be an affront to the court? You know, I am sure, what I am holding back for the Supreme Court.

Here, by the way, I will not eqasily change my opinion and will not be easily persuaded to throw the whole thing at the Court Of Appeals. If you disagree, I would welcome agrument. You see, I have other things in mind you may not, and one of the liability of the Bichols suits, which is different entirely, loaded with liabilities and stupidities, and may be lumped with it. If I don't always succeed, I do try to think ahead, and I have been worried about John since he first exposed himself as a crook. I have been worried about his suit from the time he failed to benefit form the great amount of work I did for him on his first one, when Bud asked me to. I can find little hope that his will be other than a major disaster for us if it alone goes to the Supreme Court.

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I haven't been able to follow many items in the news as carefull as I might. Lil has been clipping the Post's stories on the Ellsberg case. If you have been following them, do you better understand the ellipsis in PM now III on the secret LA hearing and the Mitchellisti that may have seemed like extraneous to you on readin it? Likewise, part of what was edited out of COUP?

Too few of us do any real political thinking. Of the critics, I think I can say no other without serious argument. But we live in a political world, must work and try in a political context. However, I have tried to work this into the writing, and I think it gives perspective now as it would when written. If what I so clearly forecast has come to pass, I am not ashamed by any means. What I am addressing here is what I presume to be one of your objections to my writing, it is too voluminous and seems to be too diffuse. But that is because I can't assume commercial acceptability and make as complete a record as I aan, assuming it may only be for the future. I said. one of your objections.

However, it has been clear to me for some time that every decision of the Calif. judge in the Ellsberg case is predicated on the assumption unavoidable on the Nixon Supreme Court. He has little concern about being overturned. He couldn t be more anti-American or anti-Constitutional on the current jury thing.

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On the helicopter suit, I am not assuming my lawyer has sold you. Superficially it seems t is way. Rather it is my belief that he is spending his time on cash matters and thus has grevously negelected our interests. This means I must find time for doing what he doesn't. In turn, this means that if you can speak to anyone at the U Pa., the sooner the better. I have asked the lawyer to see us any of the first four days of the two coming weeks. Perhaps we can get further. In most of a year he hasN8t yet started talking about the information we should get and have the legal right to get from the government. I must start working on that. It is one of the things that kept me awake.

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Strange development in The Watergate Caper. The Chief Judge of the federal district court in DC, a Nixonian hack, has ordered Caddy to answer the prosecutions's questions before the grand jury even though they are, in his argument, transgressions against the privelege of lawyer-client relationship. In this case, among its meanings I can't avoid is the administration's knowing who Mr. X is and an effort to misdirect focus on someone seemingly detached from it. This is the judge whose really crazy opinion we appeal in the spectro suit.As this develops, please watch your papers with care for stories originating with their own correspondents. And don't be unaware of the possibiloty that this decision will be appealed or that if upheld it can be used for seriously repressive purposes in other kinds of political cases. As with a Kunstler. And his kinds of clients. This is a switch in that the persecution is against a conservative, which makes it no less wrong in my view, only more sinister. The lawyer, Caddy, was one of the first leaders of YAF and of the Goldwater Youth. It would not take much to persuade me that he has exaggerated the lawyer-client argument, but I think that so legally sacred I'd rather have the course of justice thwarted, if that were the result (and I don't think it would be, thinking this is a DJ dodge) than have that right in any way limited.

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If I didn t make ti clear above, nothing in today's mail from SM,GRS or JP.

Best,